Constitution of the Curarpalek Tribe

Preamble

We, The Indigenous people of the Curarpalek Tribe of Chuathbaluk Alaska, *sharing a common bond as the original inhabitants of our land, do establish this Constitution to irrevocably establish our inherent Native Rights to the land, waters, animals, plants, the Spiritual ways of our Ancestors, and to promote our political, economic, and social well being.*

We hold these truths to be universally self evident:

1] That every person is created by the One Creator;

2] That we respect all people;

3] That this community with alcohol and/or drug problems wishes to seek a way to prevent the increase of it's use;

4] That all persons are equal before the law;

5] That the goal of this community is to strive for self-sufficiency.

Article I-Traditional Council

Section 1-Name: The Tribal Governing Body of the Native village of Chuathbaluk shall be the Curarpalek Traditional Council (CTC), hereinafter referred to as the Council

A) Principal Address: This Council shall maintain a principal office in the Village of Chuathbaluk, Alaska 99557.

Section 2-Number on Council: The Council shall consist of seven (7) members, who shall be elected by a the majority vote of the qualified members of the village.

Section 3-Officers: The Council shall include a chairperson, vice-chairperson, secretary/treasurer, and four (4) members.

A)Chairman

The chairman shall preside at all meetings and exercise general supervision over the affairs and activities of the Council.

B)Vice-Chairman

The vice-chairman shall, in the absence of the chairman, assume the duties and exercise the authority of the chairman's office.

C) Secretary/Treasurer

The secretary/treasurer shall:

A) In the absence of the chairman and the vice-chairman, preside at all meetings;

B) attest all required documents passed by the Council;

C) In the absence of the administrator, he/she shall record the minutes of the meetings;

Section 4-Terms: Council Members terms shall be staggered. **Seats B, D, F shall be 3-Year Terms, Seats A, C, G shall be 2-Year Terms and Seat E shall be 1-Year Term.** At the first meeting of the duly elected council, the members shall provide for the staggered terms by drawing lots so that three council members serve a three year term, three council members serve a two year term, and one council member serve a one year term.

Section 5-Procedures: The Traditional Council shall hold meetings and take action in accordance with the following procedures, which it may augment by it's own rules of procedure so long as they do not conflict with any provisions of this Constitution:

A) Regular meetings of the Traditional Council shall be held each first and fourth Tuesday of each month. The time and place shall be set forth by the Administrative Office.

B) Special meetings of the Traditional Council may be called by at least two council members and it shall be posted within 24 hours of the set meeting.

C) The agenda shall be set by the Chairperson/Administrator/Clerk which shall be provided to the Traditional members within seven days prior to any regularly scheduled meeting. Items to be included on the agenda shall be submitted to the Council by a written notice within twenty-four hours of the set meeting, however a member may submit an item to the agenda during the said meeting if the notice is waived by a majority vote of the Traditional Council.

The order of the Agenda shall be as follows:

Order of Business

Call to Order
Roll Call
Invocation
Reading of Agenda
Reading of Minutes
Administration Report
Committee Reports
Old Business
New Business
Council Comments
Audience Participation
Other
Adjournment

D) Four members of the Traditional council shall constitute a quorum. Business matters shall be acted upon by a majority vote of the Council, except where otherwise required by this Constitution and the Traditional Council's own rules as set forth by ordinance.

E) All meetings of the Traditional Council shall be open to the Membership of the Curarpalek Tribe. The Council may recess for a closed or an executive session and discuss any matter of importance, provided that the subject matter discussed is expressed in the motion calling for such session and no action is taken thereon in the closed or executive session.

F) All final decisions of the Traditional Council on matters of general and permanent interest to the members of the tribe shall be embodied in ordinances. The ordinances shall be collected and made available to the Tribal Members and others affected upon reasonable request.

G) All final decisions of the Traditional Council on matters of temporary interest shall be embodied in resolutions. The resolutions shall be collected and made available to the Tribal members and others affected upon reasonable request.

H) All questions of procedure shall be decided by motion duly passed, or by the ruling of the Chairperson if no objection is heard.

I) No Tribal Member shall vote on any matter wherein he or she or a member of his/her immediate family has a direct personal interest, including but not limited to employment, contracts, project funding, and appointments to tribal committees.

J) A written record shall be kept of Traditional Council proceedings. The record shall be open for inspection by all members of the Curarpalek Tribe.

Section 6-Traditional Council Ordinance: The Traditional Council shall enact a Council ordinance consistent with the provisions of this Constitution including but not limited to the Roberts Rules of Order.

Article 11-Territory and Jurisdiction

Section 1-Territory: The *Territory* of the Curarpalek Tribe shall extend to all Traditional boundaries of the Curarpalek Tribe, including all lands previously owned by the village corporation, the Chuathbaluk Company, as established under the Alaska Native Claims Settlement Act of 1971.

Section 2-Jurisdiction: The *jurisdiction* of the Curarpalek Tribe shall extend over all people within its territorial boundaries and over all tribal property, unless explicitly prohibited by Federal law.

Section 3-Sovereign Tribal Rights: The *Sovereign Tribal Rights* of the Curarpalek Tribe shall include-

1) To promote unity and concord amongst all peoples by conflict resolution between individuals within its jurisdiction (e.g. Civil and criminal regulation).
2) To promote unity and concord between any individual of its jurisdiction and any governmental agency by conflict resolution between individuals and any governmental authority (e.g. Civil and criminal regulation), unless explicitly prohibited by Federal law.
3) To negotiate and consult with Federal, State and Local Government.
4) To employ professional help.
5) To prevent any sale or lease of land without the consent of the Tribe
6) To manage social & economic activities that will enhance the well- being of the Tribe and the human race as a whole.
7) To appropriate land.
8) To levy taxes and license fees.
9) To exclude unauthorized persons from the Tribal territory.
10) To encourage and protect Tribal traditions, language, and culture.
11) To determine Tribal membership.
12) To establish Tribal Courts.
13) To enact laws and ordinances to regulate law and order in Tribal territory.
14) To condemn lands for public use.
15) To regulate the use and disposition of property.
16) To charter and regulate subordinate organizations.
17) To regulate the inheritance of property except allotted lands.
18) To regulate domestic relations, education and child welfare.
19) To appoint guardians.
20) To encourage arts and crafts.
21) To regulate Tribal elections.
22) To determine the procedures of the Traditional Council.
23) To be incorporated and thus acquire a legally binding guarantee that the Tribal organization and activities will be respected and will have continuous existence.
24) To adopt and use a corporate seal.
25) To buy, receive, own and manage all kinds of property.
26) To issue certificates representing a share in the tribal property in exchange for restricted Indian lands.
27) To borrow money.
28) To engage in any business.
29) To make contracts.
30) To offer property or income of the Tribe as security for loans.
31) To deposit funds in any bank or agency.

32) To be advised by the Federal Government as to all appropriation estimates and Federal projects designed to benefit the village prior to the submission of such estimates to the Office of Management and Budget and Congress.

33) To exploit all possibilities for self-determination in collaboration with the Federal Government, including Federal grants, contracting of authorized Federal programs, planning for Federal-operated pfgrams, and access to Federal personnel.

34) To exercise any additional powers necessary to carry out the foregoing powers.

35) To delegate any of the above powers to subordinate officers of committees or cooperative associations.

36) To enact ordinances and regulations to exercise Sovereign power, not prohibited by law.

Article III- Membership

Section1. Membership Requirements.

The membership of the Curarpalek Tribe shall consist of the following:

The Traditional council shall adopt an ordinance establishing the rules and the procedures for enrollment to the Native Village of Chuathbaluk, Alaska consistent with the provisions of this Constitution. All persons rejected for membership shall have the right to appeal in accordance with the procedures set forth in the Enrollment Ordinance.

A) All those names appearing on the Chuathbaluk Company and their direct lineal descendents and their collateral descendents shall be eligible for membership.

B) These members shall constitute the base roll which shall remain open one year after the passage of the constitution.

C) All those who are direct lineal descendents and collateral descendents of the base roll will automatically be eligible for enrollment.

D Base Roll: Those names appearing on the Chuathbaluk Company and their direct lineal descendents and collateral descendents established under the Alaska Native Claims Settlement Act of 1973, shall constitute the base roll of members.

E) Current Membership Roll: A current membership roll shall be maintained and updated. The current membership roll shall be presented to the Curarpalek Traditional Council for certification 60 days prior to each annual election.

Section 1-B. Selection of a Committee: The Curarpalek Traditional Council shall select a Committee that is of good natured, some what educated, has moral characteristics, and knows what an Enrollment is all about, also the persons shall be a tribal member.

B-1) Enrollment Committee: Four members of the Traditional Council of Chuathbaluk, shall serve as the Enrollment Committee. The Enrollment Committee shall review and make recommendations to the tribal council.

B-2) Enrollment Clerk: The Enrollment Clerk will work receiving enrollment applications. The Enrollment Clerk will make recommendation to the Enrollment Committee on enrollment applications and perform other duties to further the purpose of this Ordinance.

Section 1-C Adoption/Provisional Membership

C - 1) The Council may adopt any Native American person into the Tribe as long as the person can show descendency to the base roll. A 12 month residency is required before they can apply for membership. This member shall have the same rights and privileges as other tribal members. The direct descendants of such adopted members are eligible for membership, subject to the provisions of this Constitution and any laws enacted pursuant to this Constitution.

C - 2) The Council may adopt any non-native as an "Honorary Member" of the Native Village of Chuathbaluk. This member may participate in meetings and tribal gatherings but shall not be entitled to hold office or vote.

C - 3) To be eligible for elective office, all candidates must be a resident of Chuathbaluk for a period of not less than one (1) year preceding the election year

Council can add another section if they want.

Section 1-D. No Dual Enrollment: No member adopted pursuant to Article II, of the Curarpalek Tribal Constitution, shall become a member of any other Native Tribe, recognized or non-recognized, without first relinquishing membership in the Curarpalek Tribe. Any member who shall become an enrolled member of any other Tribe shall be removed from the membership roll of the Curarpalek Tribe. Such action shall be taken by the Enrollment Committee only after such member is given:

(a) an opportunity to formally relinquish his/her membership to the other tribe(s) in writing and the member does not relinquish such membership;

(b) an opportunity to be heard and present evidence of why such membership should not be terminated, at a hearing before the Enrollment Committee; and

(c) notice of the basis of the proposed termination of membership at least 45 days prior to the Enrollment Committee hearing.

Section 1-E Enrollment Ordinance: All other provisions of this Constitution pertaining to Enrollment shall be written in an Ordinance including the qualifications, Adopted Children, Enrollment Application, Processing of Enrollment Applications, Notice of Determination, Appeals Procedure, Appeal Review, Notice for Hearing, Maintenance of Tribal Membership Role, Loss of Membership, Relinguishment, and Effective Date of Ordinance.

Article IV-Rights of Members

All members of the Tribe shall enjoy equal rights of life, liberty, and the pursuit of happiness consistent with the values, customs, and traditions of the Tribe. In exercising it's powers of self-government, the village shall not deny to any person within in its jurisdiction, freedom of speech, press or religion, or the right to assemble peacefully. The Tribe shall provide all people in it's jurisdiction the rights required by the Indian Civil Rights Act. No Tribal government shall deny to any person the *equal protection* within Tribal jurisdiction to be deprived of his or her property or any of his or her fundamental civil liberty rights*without due process of law* . In such event, the procedure shall be:

1) The individual shall be told what the government is about to do;

2) The individual shall be given the right to a hearing so that he or she can present his or her side of the case.

3) The individual shall be given the right of appeal.

Article V - Powers

Section 1-Inherent Powers: The Council shall secure, preserve, and exercise inherent Tribal Governmental powers to do all things for the common good which it has done in the past or has had the right to do in the past and which are not against Federal and state laws as may apply. Unless exercised by the membership, all powers shall be exercised by the Council. The Council may authorize an officer to act in specific circumstances set by the Council from time to time.

Section 2-Internal Control Procedures: The Council may enact rules of procedure by ordinance or resolution, these may include:

(a) Tribal Enrollment
(b) Election Procedure
(c) Administrative Policy
(d) Council rules of order
(e) Meeting notices - special or regular
(f) Traditional customs, values, and spiritual beliefs ✓
(g) Traditional boundaries of jurisdiction
(i) Committee establishment and procedure
(j) Executive board
(k) Subsistence use sites of our Ancestors to present
(l) Trapping and hunting
(m) Spring camp use
(n) Hunters from other areas.
(o) Indian Child Welfare
(p) Native Arts & Crafts
(q) Tribal Courts

Section 3-Other Powers:

(a) To administer justice and establish Tribal Courts,
(b) To promote the health and safety of Tribal membership,
(c) To enact ordinances and regulations to exercise *Sovereign Power*, not prohibited by Federal and State Law,
(d) To employ legal council,
(e) To encourage and protect Tribal traditions, language and culture,
(f) To charter enterprises, corporations, and associations provided that the charter clearly distinguishes between the governmental and business functions,
(g) To join and /or charter housing authorities,
(h) To levy dues, fees, and assessments,
(i) To negotiate and/or contract with State, Federal, local governments, private agencies and persons on behalf of the Curarpalek Tribe,
(j) To acquire property, accept gifts, and prevent the sale, lease, disposition or encumbrance of Tribal property without the consent of the Tribal membership,
(k) To protect members rights in property, including Tribal property,
(l) To administer Tribal assets.
(m) To exercise the power of consent under 14 (F) of the Alaska Native Claims Settlement Act of 1971 to the extent permitted by applicable law.

Section 4-Retained Powers: The retained powers of the Curarpalek Tribe, not stated in the Constitution shall not be lost by omission, but may be exercised by vote of membership initiative or referendum.

Article VI-General Council

Section 1 All duly enrolled members of the Curarpalek Tribe of Chuathbaluk, Alaska who are eighteen(18) years of age or older shall constitute the General Council. In accordance of this Constitution the General Council shall have the power to:

A) Elect Traditional Council members and approve or disapprove any salary or wages paid for performance of Traditional Council duties;
B) Exercise the powers of Initiative and referendum;
C) Amend this Constitution;
D) Make advisory recommendations to the Traditional Council;
E) Recall elected Tribal officials.
F) Petition.

Section 2-General Council Procedures: The General Council shall hold meetings in accordance with the following procedures, and shall exercise its electoral powers in accordance with the provisions of the Elections Article of this Constitution;

A) Regular meetings of the General Council shall be held on the first Saturday of October, January, and March. The time and place will be set by the Traditional Council. October meeting shall include the annual election of the Traditional Council.
B) Special meetings of the General Council may be called by the Traditional Council upon one month's notice to the membership of the General Council. The Traditional Council may call such meetings upon its own motion, but it must call such a meeting upon presentation of a properly verified petition signed by one-third or more of the General Council of the Curarpalek Tribe.
C) The agenda for the General Council meetings shall be set forth by the Traditional Council, provided that any member may submit an item to be added or considered to the agenda in writing to the Traditional Council. Each agenda shall include a time for discussion of items from the floor regardless of whether said items appear on the agenda. Agendas shall be sent to Tribal members two weeks in advance of the General Council meetings.
D) The Honorary Chief shall call the meeting to order and the Curarpalek Traditional Council Chairperson shall Chair the General Council meetings.

Section 3-General Council Ordinance: An ordinance pertaining to the General Council shall be set forth in an ordinance.

Article VII - Membership Participation

Section 1-Initiatives: The eligible voters of the Tribe shall have the right to propose legislation and vote by a secret ballot to determine whether it will be adopted or rejected. Upon receipt of a valid petition signed by at least thirty (30%) percent of the eligible voters, the Council shall call an election to be conducted by the election board no later than thirty (30) days after receipt of the petition. An affirmative vote by at least a majority of the eligible voters shall be required to determine the issues or questions submitted to the voters.

Section 2-Referendum: The council by an affirmative vote of at least four (4) of it's members shall call an election to be conducted by the election board within thirty (30) days of such council decision for the purpose of deciding by secret ballot issues, questions, or petitions that are within the authority of the Council. An affirmative vote by at least a majority of the eligible voters shall be required to determine the issues, questions, or petitions submitted to the voters.

Section 3-Recall: Members shall have the power to recall any member of the council. The recall process shall be initiated by filing a valid petition for such recall.

Section 4-Decisions: The decisions of the voters in an initiatives, referendum, or recall elections shall be binding on the council and the Curarpalek Tribe and shall remain in full force until amended or rescinded by subsequent action of the voters or expires by it's own terms.

Section 5-Expulsion: The Traditional Council may by a one-third vote of the General Council, after due notice and an opportunity to be heard, expel any Traditional Council member for neglect of duty or gross misconduct. Any member so expelled shall the right to appeal the expulsion to the Traditional Council with complete review of all matters at issue.

Section 6-Ordinance: Initiative, referendum, recall, and expulsion procedures shall be set by ordinance by the Traditional Council, provided that the procedures accord with the elections article of this Constitution where appropriate.

Article VIII - Amendments

This Constitution may be amended in an election wherein at least thirty (30%) percent of eligible voters participate. Articles may be added or deleted on this Constitution. The election shall be conducted in accordance with the rules and regulations set forth by the Secretary of the Interior. It shall be the duty of the Secretary of the Interior to authorize an election on any proposed amendments at the request of a majority of the Curarpalek Tribe, or upon the presentation of a petition signed by at least one-third of the General Council. The Secretary of the Interior may not authorize elections to amend this Constitution without consent of the Traditional Council.

Articles to be added to this Constitution in the near future may be as follows:

Tribal Court
Health
Education
Welfare
Regional Non-profit duties and authorities for contracting services.

Article IX - Adoption

This Constitution may be adopted by a majority vote/ratification of the qualified voters of the Curarpalek Tribe voting at an election called for that specific purpose and shall be effective from the date of approval.

Article X- Elections

Section 1-Voter Qualifications: Any duly enrolled member of the Curarpalek Tribe eighteen (18) years or older shall be entitled to vote.

Section 2-Qualifications of Candidates: Any duly enrolled member of the Curarpalek Tribe, who is at least eighteen (18) years of age or older, of the date of the election and who has resided in the community for at least one (1) year prior to the election, shall be eligible to become a candidate for election to membership on the Council in capacity provided that no person shall be a candidate for more than one (1) position in any election.

Section 3-First Election: Notwithstanding the above provisions, the election of the first Traditional Council under this Constitution shall be in accordance with an election ordinance enacted by the Curarpalek Traditional Council which accords as much as is feasible with the above provisions and which is made available to the Tribal Membership no more than thirty days after certification of the adoption of this Constitution.

Section 4-Regular Elections: Elected officials will be elected by a majority vote in an annual election wherein at least thirty (30%) percent of eligible voters participate. Council members presently serve one (1), two (2), and three (3) year staggered terms and this Constitution will maintain that system.

Section 5-Election Board: There shall be an election board appointed by the Council whose duties shall be to supervise, administer, and conduct all Tribal elections. The election board shall certify the election of Tribal officials immediately after the election. No member of the election board shall, at the same time, be a member of the Council or a candidate for a position on the Council.

Section 6-Election Ordinance: The Traditional Council shall enact an election ordinance consistent with the provisions of this Constitution. The ordinance shall include provisions for appointment by the Traditional Council of a three member Election Board. The members of the Election Board shall serve for a set terms of office and shall be removable prior to the expiration of their terms only for cause. The ordinance shall include provisions for settlement of election disputes, including the right to appeal to the Traditional Council whose decision shall be final. Further, the ordinance shall spell out the procedure and format to be used whenever it is necessary to submit petitions for any purpose to the Council and set forth a procedure for determining the validity of such petition.

Section 7-Vacancies: In the event that any elective office becomes vacant between elections, the Chairperson shall recommend a person who meets the requirements of a candidate for that position to fill the vacancy. Such person shall assume office to serve the remainder of the term upon approval of the appointment by the Traditional Council.

Article XI - Honorary Chief

Section 1-Election: There shall be one honorary chief who shall be elected by the majority vote of the qualified members of the village. He/She shall be a lifetime chief, be 1/4 or more Alaskan Native and be a member of the Curarpalek Tribe. He/She must have a sincere belief and knowledge of traditional values and he/she must have practiced those values throughout his/her life.

Section 2-Duties: He/she shall act as an advisor to the Council. He/she shall call the meeting to order. He/she shall attend, when available and able, any potlatches, social functions and meetings as the Honorary Chief of the Curarpalek Tribe.

Section 3-Replacement: In the event of death, incapacitation or disqualification, the membership shall elect a new honorary chief. He/she can be disqualified for failing to maintain a strong example of righteousness and he/she must not have an alcohol or drug problem.

Certification

At ratification/election held on the 5th day of October 1993, by the Curarpalek Tribe. The Constitutition was presented to the General Council for their approval by the Traditional Council and was adopted by 22 votes for and 1 votes against in a ratification/election in which at least thirty percent (30%) of the members voted.

Traditional Council's Certification

Honorary Chief: _____ Date _____
Chairman: [illegible] Date 1/26/94
V-Chairman: Florence J Nelson Date 10-20-93
Sec./Treasurer: [illegible] Nelson Date 10/20/93
Member: Olga A. Phillips Date 10/20/93
Member: Mary P Kilila Date 10-20-93
Member: [illegible] Date 1-26-94
Member: Evelyn Sahan Date 5-29-94

Attest: Olga A. Phillips Date 5-29-94